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ROSS STORES, INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

14 JOSE JACOBO, et al.,  
15 Plaintiffs,  
16 v.  
17 ROSS STORES, INC., a Delaware  
Corporation, and DOES 1 through 100,  
18 inclusive,  
19 Defendants.

Case No. 2:15-cv-04701-MMM (AGRx)

**DEFENDANT'S REQUEST  
FOR JUDICIAL NOTICE IN  
SUPPORT OF MOTION TO  
DISMISS FIRST AMENDED  
COMPLAINT**

Date: February 8, 2016  
Time: 10:00 a.m.  
Dept.: 780  
Judge: Hon. Margaret M. Morrow

1 TO PLAINTIFFS AND ALL COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT Defendant Ross Stores, Inc. ("Ross")  
3 hereby requests that this Court take judicial notice of the documents attached to this  
4 Request for Judicial Notice ("RJN") as Exhibits A-D.

5 **Exhibit A:** Order Granting Defendant's Motion to Dismiss Plaintiff's  
6 Complaint at 6, *Linda Rubenstein v. The Neiman Marcus Group LLC, et al.*, No.  
7 14-cv-07155-SJO (JPRx) (C.D. Cal March 2, 2015), ECF No. 32.

8 **Exhibit B:** Order Granting in Part and Denying in Part Defendant's Motion  
9 to Dismiss, *Branca v. Nordstrom, Inc.*, No. 14-cv-2062-MMA (JMA) (S.D. Cal.  
10 March 20, 2015), ECF No. 18.

11 **Exhibit C:** Order Granting Defendant's Motion to Dismiss Plaintiff's  
12 Second Amended Complaint, *Linda Rubenstein v. The Neiman Marcus Group LLC,*  
13 *et al.*, No. 14-cv-07155 (C.D. Cal. May 12, 2015), ECF No. 45.

14 **Exhibit D:** Order Denying Defendant's Motion to Dismiss Plaintiff's  
15 Second Amended Complaint, *Branca v. Nordstrom, Inc.*, No. 14-cv-2062 (S.D. Cal.  
16 Oct. 9, 2015), ECF No. 30.

17 Ross makes this request based on the attached Memorandum of Points and  
18 Authorities, all pleadings and records on file in this action, and such briefing,  
19 papers and argument as may be permitted in this matter.

20 Dated: October 29, 2015

MORRISON & FOERSTER LLP

21 By: /s/ David F. McDowell  
22 DAVID F. MCDOWELL

23 Attorneys for Defendant  
24 ROSS STORES, INC.  
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## MEMORANDUM OF POINTS AND AUTHORITIES

Under Federal Rule of Evidence 201, a fact is judicially noticeable when it is not subject to reasonable dispute because it is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. The Court may take judicial notice of Exhibits A-D as official records not subject to reasonable dispute and capable of accurate and ready determination. *Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 (9th Cir. 2006) (allowing judicial notice of court filings and other matters of public record); *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998) (taking judicial notice of court filings and matters of public record).

Exhibits A and C are copies of official court records on file with the United States District Court for the District of Central California. Exhibits B and D are copies of official court records on file with the United States District Court for the District of Southern California.

For the foregoing reasons, Ross respectfully requests that this Court take judicial notice of Exhibits A-D.

Dated: October 29, 2015

MORRISON & FOERSTER LLP

By: /s/ David F. McDowell  
DAVID F. MCDOWELL

Attorneys for Defendant  
ROSS STORES, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 29th day of October, 2015, the foregoing document was filed electronically on the CM/ECF system, which caused all CM/ECF participants to be served by electronic means.

Dated: October 29, 2015

MORRISON & FOERSTER LLP

By: /s/ David F. McDowell  
DAVID F. MCDOWELL

Attorneys for Defendant  
ROSS STORES, INC.